IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

Single Bench

MISCELLANEOUS APPEAL NO. 366 /2004

APPELLANT : Dr. E. Sahni,
S/o. Late Shri John Sahni,
Aged 53 years
R/o. Dock Bungalow Ward
Dhamtari (C.G.)

VERSUS

RESPONDENTS : 1. Mrs. Neelam Das,
W/o. Late Dr. J. Das
Age 60 years
R/o. Dock Bungalow
Ward Dhamtari,
Tahsil & District -
Dhamtari (C.G.)

P. R. No. 775 dt. 19.3.04
Presented by Shri Vivek Rathore
dated 19.3.04

2. Mrs. Ashika Sona
W/o. Mr. Pramod Sona,
R/o. Jail Road, Raipur
Tahsil & District -
Raipur (C.G.)

3. Mrs. Ayasha Ekta Sona
D/o. Pramod Sona (Minor)
Age 11 years
Through Guardian -
Mrs. Neelam Das
R/o. Dock Bungalow
Ward Dhamtari,
Tahsil & District -
Dhamtari (C.G.)

4. Common People

MISCELLANEOUS APPEAL UNDER SECTION-384(1) OF SUCCESSION ACT-1925 READ WITH SECTION-96 OF CIVIL PROCEDURE CODE-1908.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.No.366/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	04/10/2004 Shri Y.C.Sharma, learned counsel for the appellant. Shri Gurudev Sharan, learned counsel takes notice on behalf of respondents No. 1 to 3. Heard both the counsel on admission. The appeal is admitted for hearing. Both the counsel requested that the appeal can be heard and disposed of today itself. The earlier application filed by the appellant was dismissed by the trial Court on the ground that the properties which are subject matter of the will were not valued properly. Now the appellant has valued the property again and filed another application before the trial Court. The said Court on an erroneous view dismissed the application holding that it is not open to the appellant to file this application on the principles of res judicata. Obviously this is wrong. In the circumstances, the order dated 03/12/2003 passed by the learned trial Court is set aside and the trial Court is directed to dispose of the matter on merits in accordance with law. Parties are entitled for certified copy of this order. Sd/- Chief Justice	

[पीछे देखिये